

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69239 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- Cyber P.S. District- Sheikhpura

1. SANTU KUMAR S/O UMESH MAHTO @ UMESH MAHATO R/o Village- Ambari, P.S.- Shekhopur Sarai, District- Sheikhpura
2. Nitish Kumar S/o Umesh Mahto @ Umesh Mahato R/o Village- Ambari, P.S.- Shekhopur Sarai, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70073 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- Cyber P.S. District- Sheikhpura

BAJRANGI KUMAR S/O UMESH MAHTO @ UMESH MAHATO R/o Village- Ambari, P.S.- Shekhopur Sarai, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69239 of 2024)

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

(In CRIMINAL MISCELLANEOUS No. 70073 of 2024)

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 07-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Sheikhpura Cyber P.S. Case No. 26 of 2024 dated 05.08.2024 registered for the



offences punishable under sections 318(4), 319(2), 336(3) and 61(2) of the Bhartiya Nyaya Sanhita and Sections 66, 66B, 66C, 66D of the Information and Technology Act.

3. As per the prosecution case, the informant received information that petitioner no.1 is operating cyber fraud from his house along with his associates, the informant with the forces reached the house of petitioner, Santu Kumar and conducted raid, where petitioners were present. A Vivo phone was recovered from the right pocket of the lower worn by the petitioner no.1 and other two mobile phones were found under the cloth on rack made on the wall of the room. From the petitioner no.2, two phones were recovered and from the right pocket worn by the petitioner no.3, a mobile phone was recovered and 2 mobile phones were recovered from his house. The petitioners and the co-accused said that these people collected the mobile numbers from the comments made by the followers on the Youtube channel and later created a WhatsApp using SIM cards which they obtained from the mobile number fraudulently, on which display picture was of Bihari Baba, and through chat and voice chat demanded money from people in the name of materials required for performing Vashikaran, totka puja by sending UPI ID and QR. Several fake SIM Cards were



recovered and many G-mail accounts were also found. They also used to run fake facebook IDs by deceiving people and used to do cyber fraud by putting different links.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the possession of the petitioners. The petitioners have been made accused in this case only on the basis that they were present at their house. It is further submitted that petitioners are own brother. The petitioner has no concern with the alleged recovery. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 06.08.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with Sheikhpura Cyber P.S. Case No. 26 of 2024, with a condition:-



(i) That the he petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioners will liable to be canceled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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